

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

**MITCHELL R. ELFERS**  
**CLERK OF COURT**

MAR 12 2025

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)2010 Hyundai Santa Fe and White Sports Utility Vehicle  
SUBJECT VEHICLE 1 and 2Case No. *25-MR-445***APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SUBJECT VEHICLES 1 and 2, more fully described in Attachment A, which is attached and incorporated herein.

located in the \_\_\_\_\_ State and \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 922(g)(1)	Felon in Possession of Firearm

The application is based on these facts:

See Affidavit in Attachment C, attached and incorporated herein.

Continued on the attached sheet.

Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Luis O. Garcia, HSI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by electronic submission and telephonic swearing (specify reliable electronic means).

Date: March 12, 2025



Judge's signature

Barbara S. Evans, United States Magistrate Judge

Printed name and title

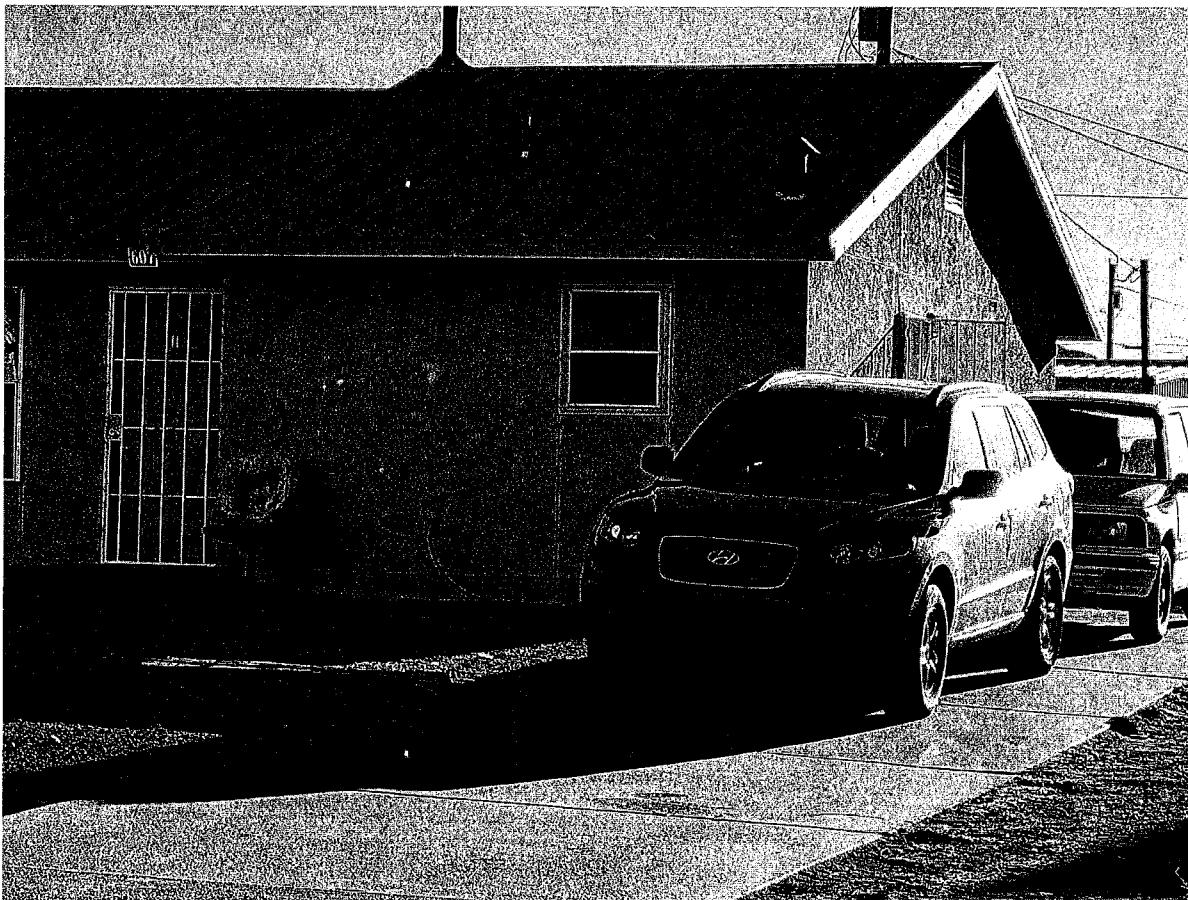
City and state: Roswell, New Mexico

**ATTACHMENT A-2 (Vehicle)**

**Vehicles to Be Searched**

**Subject Vehicle 1**

A year 2010, Hyundai Santa Fe, bearing New Mexico license temporary plate: 25T058838, and Vehicle Identification Number (VIN): 5NMSG3ABXAH391102. This is a 4-door sports utility vehicle, grey in color, as shown in the surveillance photographs below:



**Subject Vehicle 2**

A white Sports Utility Vehicle that has a spare tire compartment attached to the rear hatchback door. Vehicle bears License Plate BPMJ99, however there is no indication the registration is valid. Last record indicates that the license plate was registered to a 2011 Nissan Versa to an individual in Carrizozo, New Mexico. This spare tire compartment has a United States Flag painted on it that covers almost the total length of the compartment as shown in the surveillance photographs below:



**ATTACHMENT B**

**Items to Be Seized**

1. Any and all evidence from the **SUBJECT PREMISES, SUBJECT VEHICLES** **1** and **2**, and **BATTLE** and **DANIEL**, described in Attachments A(1-3), of the following violation:

- Title 18 U.S.C § 922(g)(1): Convicted Felon in Possession of a Firearm/Ammunition

2. Including, but not limited to:

- a. Firearms
- b. Firearms parts and accessories
- c. Ammunition
- d. Ammunition components
- e. Documents or items associated with or revealing the ownership, possession, acquisition, receipt, disposition, or registration of firearms or firearm parts
- f. Papers, records, documents, files, notes, memos, mail, or other materials representing residency, ownership, occupancy, dominion, or control of the premises or vehicle referenced above and described in Attachments A(1-2).

g. Records or keys showing possession of safe deposit boxes, safes, storage units, and any other type of storage areas, including passwords and/or access codes for access during the searches.

h. Computers, storage media, or digital devices used as a means to commit the violations described above, including, but not limited to cell phones, laptop and

desktop computers, hard drives, thumb drives, and other miscellaneous storage media.

- i. Any locked or closed safes, safety deposit boxes, or containers believed to contain any of the above listed evidence.

**AFFIDAVIT IN SUPPORT OF SEARCH**  
**WARRANT**

I, Luis O. Garcia, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant for:

- Private residence, 607 D, Apt I, Carrizozo, New Mexico 88301 (“**SUBJECT PREMISES**” hereinafter), within the District of New Mexico, further described in Attachment A-1, for the things described in Attachment B.
- Vehicle 1, 2010 Hyundai, model Santa Fe, sports utility vehicle that is grey in color, bearing New Mexico license temporary plate: 25T058838, and Vehicle Identification Number (VIN): 5NMSG3ABXAH391102 (“**SUBJECT VEHICLE 1**” hereinafter), within the District of New Mexico, further described in Attachment A-2, for the things described in Attachment B.
- Vehicle 2, White Sports Utility Vehicle, white in color, bearing New Mexico License Plate BPMJ99 (“**SUBJECT VEHICLE 2**” hereinafter), within the District of New Mexico, further described in Attachment A-2, for the things described in Attachment B.
- Person 1, Charles E. Battle a convicted felon, born in 1997, (“**BATTLE**” hereinafter), within the District of New Mexico, further described in Attachment A-3, for the things described in Attachment B.
- Person 2, Joi J. Daniel, convicted felon, born in the year of 1983 (“**DANIEL**” hereinafter), within the District of New Mexico, further described in Attachment A-3, for the things described in Attachment B.

2. I am a Special Agent with Homeland Security Investigations (HSI) and have been since April 2021. I am currently assigned to the Roswell, New Mexico Resident Agent in Charge Office. My training includes twenty-seven (27) weeks of Criminal Investigator and HSI Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. During this training, I received instruction relating to federal law violations, various investigation strategies, evidence collection, interview techniques, and search and seizure. As a Special Agent with HSI, I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority and charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 8, Title 18, Title 19 and Title 21 of the United States Code. Part of my duties and responsibilities include conducting criminal investigations for possible violations of Title 18 federal firearms violations. Previously, I was employed by Customs and Border Protection (CBP), United States Border Patrol, from January 2012 to July 2014, and from July 2016 to April 2021. I was also employed by Customs and Border Protection as a CBP Officer from July 2014 to July 2016. I conducted a wide range of criminal investigations including, but not limited to immigration violations, customs violations, and narcotics violations. Through my training, experience, and discussions with other law enforcement officers who have experience in similar investigations, I have become familiar with the tactics and methods used by criminals engaging in various violations of law. As a federal agent, I am authorized to execute warrants issued under the authority of the United States.

3. Based on my training and experience, I know that individuals that possess firearms and ammunition illegally, typically store those firearms and ammunition out of plain sight, in their homes, exterior storage units, their vehicles, places of employment, or on their person, where they

can be readily accessible for use. Individuals possessing firearms and ammunition illegally will often go to great lengths to hide or conceal these items using hidden compartments, false wall or floor compartments, locking safes or containers, and hidden areas on the exterior of their properties such as underground storage areas.

4. Individuals who unlawfully possesses certain firearms also tend to maintain evidentiary items related to their possession, to include ammunition components, firearm magazines, sights, scopes, optics, firearm attachments, firearm notes, purchase/ownership documents and photographs of completed firearms or parts.

5. Individuals tend to keep firearms and ammunition for long periods of time due to their tendency to hold or increase their value. Individuals who are prohibited from legally possessing firearms and ammunition will maintain these items for long periods of time due to the level of difficulty and criminal risk in re-acquiring them.

6. Persons unlawfully acquiring or possessing firearms tend to utilize computer systems such as mobile phones to interact with potential sources of supply for firearms or firearms parts, by way of phone calls, text messages, emails and social media websites and messaging applications. Such text messages can be recovered after they have been erased from a cellular device.

7. Persons involved with unlawfully possessing firearms often utilize their cellular/electronic device(s) to take and store photographs or videos of firearms and/or themselves posing with or shooting firearms. Information deleted or stored in computers and/or electronic/cellular devices can be recovered utilizing data extraction equipment.

8. Based on the facts set forth herein, I submit there is probable cause that the **SUBJECT PREMISES, SUBJECT VEHICLES**, and the suspects of this investigation,

**BATTLE and DANIEL**, contain material evidence relating to the following violations:

- Title 18, United States Code, Section 922(g)(1), which makes it a crime for any person who has been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, from shipping, receiving, transporting, or possessing any firearm that has been shipped or transported in interstate or foreign commerce.

9. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and observations of other law enforcement officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation.

10. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and is not intended to include each and every fact and matter observed by me or known to the government.

#### Applicable Law

11. Title 18, United States Code, Section 921(a)(17)(A): For the purposes of the listed violations, “ammunition” is defined as: ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

12. Title 18, United States Code, Section 921(a)(3): For the purposes of the listed violations, a “firearm” is defined as:

- (A). any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (B). the frame or receiver of any such weapon;
- (C). any firearm muffler or firearm silencer, or

(D). any destructive device. Such term does not include an antique firearm.

13. Title 18, United States Code, Section 922(g)(1) prohibits any person who has been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, from shipping, receiving, transporting, or possessing any firearm or ammunition that has been shipped or transported in interstate or foreign commerce.

**Probable Cause**

14. I am currently investigating the illegal possession of a firearm and ammunition. I have identified Charles E. Battle (hereinafter “Battle”) and Joi J. Daniel (hereinafter “Daniel”) as the suspects of this investigation.

15. On March 8, 2025, Homeland Security Investigations (HSI) received a request for assistance from Chief Darion Hill from the Carrizozo, New Mexico Police Department. Carrizozo, New Mexico is in Lincoln County, in the District of New Mexico. Chief Hill reported that on or about February 26, 2025, he received information from an employee from New Mexico Children, Youth, Family Department (CYFD) documenting the following information. A medical professional made a report about possible child abuse affecting one of the three minor children of Daniel. Report indicated that the minor did not receive a needed medical procedure in a timely manner. It was reported that Daniel had failed to bring her minor child, the patient, to receive needed medical treatment.

16. On February 25, 2025, the adult sister of the affected minor brought the affected minor to the office to receive medical treatment. Minor and adult sister stated that food had been withheld from minor on a regular basis. The adult sister also reported that her mother, Daniel,

and her boyfriend, Battle, drove her to a gun store in Ruidoso, New Mexico, and told her to buy a rifle type weapon because they both have felony records and cannot purchase a weapon in their names.

17. The minor in the CYFD original report has two minor siblings. The three minor kids were transported by a Carrizozo Police Officer to Alamogordo for an interview at an advocacy center.

18. During the interview, one of the minor children reported that her mother, Daniel, and her mother's boyfriend, Battle, have a gun. Minor reported that it was a long gun by holding her hands out approximately eighteen inches apart.

19. On March 5, 2025, Chief Hills received the following information. On or about February 28, 2025, CYFD case worker made contact with Daniel's adult daughter. Daniel's adult daughter disclosed to CYFD case worker that she was currently in possession of two rifles that Daniel and Battle had brought to her residence. Adult daughter stated that she recognized one of the rifles she purchased under duress by Daniel and Battle. Adult daughter stated she did not know how Daniel and Battle obtained the other rifle. Adult daughter also stated that they also brought ammunition in an ammunition case. Adult daughter stated that Daniel and Battle knew the police would be coming to their home, Subject Premises, after the interviews with CYFD, and that they knew they were not supposed to have guns.

20. CYFD case worker took photos of the weapons and sent them to Chief Hill. One of the weapons was a Radical Firearms Model RF-15 Semi-Automatic Hunting Rifle with Serial

# 24-001533. The other one was a BB gun air pistol. Neither weapon was reported stolen on law enforcement data base.

21. The adult daughter later reported to CYFD case worker that Battle and Daniel retrieved the firearm from her. Adult daughter reported that Battle resides with Daniel at Subject Premises. Adult daughter reported that Daniel and Battle have outstanding warrants out of the States of Georgia and Tennessee. Adult daughter also reported that due to the outstanding warrants, Battle and Daniel had moved from Tennessee to Texas, then to New Mexico.

22. A system query conducted yielded the following results. Daniel has an outstanding warrant for failure to appear on an aggravated assault case. As of March 10, 2025, warrant is fully extraditable. Battle has two outstanding warrants for probation violation. These warrants are only extraditable in the State of Georgia.

#### Interstate Nexus Determination

23. I have consulted with an ATF interstate nexus expert. The expert advised that the known firearm under investigation was not manufactured in the State of New Mexico. As a result, the firearm had to have travelled in or affected interstate commerce of foreign commerce, to be present in New Mexico.

#### Review of Battle's Criminal History

24. Battle's criminal history includes the following three felony convictions in the State of Georgia.:

(#1) 2023 felony conviction for 'Theft by Taking out of the Superior Court of Paulding County in the State of Georgia. (Case number: 22CR0682) 7 years

probation sentence.

(#2) 2022 felony conviction for two charges of ‘Armed Robbery’ (reduced to robbery) out of the Superior Court of Paulding County in the State of Georgia, (Case number: 15CR1688) 15-year sentence (one year imprisonment and remainder on probation.)

(#3) 2020 felony conviction for ‘Child Cruelty First Degree’ and ‘Interstate Interference with Custody’ out of the Superior Court of Cobb County, in the State of Georgia. (Case number: 20-9-0801-40.) 8-year confinement sentence, with one year to be served in confinement, with the remainder on probation.

25. Because Battle has multiple felony convictions, there is probable cause to believe he is aware of the fact he is a convicted felon and aware of the fact he may not lawfully possess firearms.

#### **Review of Daniel’s Criminal History**

26. Daniel’s criminal history includes following felony convictions : 2001 felony conviction for ‘Forgery First Degree’. Daniel also shows a conviction for ‘Entering Automobile or Other Motor Vehicle with Intent to Commit Theft or Felony,’ in Newton County, State of Georgia and received a 5-year probation sentence.

27. Because Daniel has felony convictions, and the fact she asked her adult daughter to purchase a firearm for her and Battle, there is probable cause to believe she is aware of the fact she is a convicted felon and aware of the fact she may not lawfully possess firearms.

**Address and Vehicle Research**

28. Upon researching Battle's identifying information in law enforcement databases, I observed Battle' current driver's license address according to the Tennessee Department of Motor Vehicles (DMV) to be 4913 Edinburg DR Chattanooga, TN. However, based on information as reported on CYFD referral and Police Report, it is known to law enforcement that Battle's current residence is 607 D Avenue, APT I, Carrizozo, NM. (**SUBJECT PREMISES**). Furthermore, based on surveillance conducted by an HSI special agent, a male subject matching the description of Battle was observed at the **SUBJECT PREMISES** on March 10, 2025.

29. Upon researching Daniel's identifying information in law enforcement databases, I observed Daniel's current driver's license address according to the Tennessee Department of Motor Vehicles (DMV) to be 701 E 49TH ST Chattanooga, TN. However, based on information as reported on CYFD referral and Police Report, it is known to law enforcement that Daniel's current residence is 607 D Avenue, APT I, Carrizozo, NM. (**SUBJECT PREMISES**). Furthermore, based on surveillance conducted by an HSI special agent, a female subject matching the description of Daniel was observed at the **SUBJECT PREMISES** on March 10, 2025. She was also observed boarding a grey Hyundai Santa Fe registered to Daniel, Subject Vehicle 1.

30. On March 10, 2025, an HSI special agent conducted surveillance at the Subject Premises. Special agent observed two vehicles parked on the driveway of the **SUBJECT PREMISES, SUBJECT VEHICLE 1** and **SUBJECT VEHICLE 2. SUBJECT VEHICLE 1**, a 2010 grey Hyundai Santa Fe with New Mexico Temporary Plate 25T058838. A law enforcement query resulted in Subject Vehicle 1 being registered to Joi Daniel.

31. **SUBJECT VEHICLE 2**, a white Sports Utility Vehicle, bearing License Plate BMPJ99 was also observed at the **SUBJECT PREMISES**. It was parked with its rear facing the backyard. A law enforcement query on BPMJ99 results on a 2011 Nissan Versa, black in color. License plate was registered to an individual with an address in Carrizozo, New Mexico. However, there is no indication that the license plate is valid at this point. A picture of **SUBJECT VEHICLE 2** depicts the white SUV, with a spare tire compartment attached to the rear hatchback door. This spare tire compartment has a United States Flag painted on it that covers almost the total length of the compartment. **SUBJECT VEHICLE 2** was parked closest to the side door entrance to the **SUBJECT PREMISES**. The side door is the main door utilized by the habitants of the **SUBJECT PREMISES** as observed by agent conducting surveillance.

#### Recent Surveillance

32. On March 10, 2025, an HSI special agent conducted surveillance at **SUBJECT PREMISES**. He observed both **SUBJECT VEHICLE 1 and 2** backed into the driveway of the **SUBJECT PREMISES**. He then observed a female matching Daniel's physical description exit the **SUBJECT PREMISES** on this day and board **SUBJECT VEHICLE 1** and depart **SUBJECT PREMISES**. Agent also observed a male subject matching Battle's description exit the **SUBJECT PREMISES** and access **SUBJECT VEHICLE 1**, and then shortly after return to **SUBJECT PREMISES**.

33. Agent also observed two teenage minors, matching the ages of the minors on the CYFD report exit the **SUBJECT PREMISES** and depart the **SUBJECT PREMISES** on foot right during school morning hours.

34. I believe Battle and Daniel are currently residing at the **SUBJECT PREMISES** and operating and/or having access the **SUBJECT VEHICLE 1 and 2** based on DMV information, and agent's observations during surveillance.

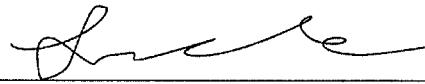
### Conclusion

35. Based on the foregoing facts, I respectfully submit that probable cause exists to believe that Battle and Daniel violated:

- Title 18, United States Code, Section 922(g)(1), which makes it a crime for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to possess a firearm or ammunition, which has been shipped or transported in interstate or foreign commerce

within the District of New Mexico. In addition, there is probable cause to believe evidence of these violations is currently contained in the **SUBJECT PREMISES**, **SUBJECT VEHICLE 1 and 2**, and **BATTLE's and DANIEL's PERSON**. I submit that this affidavit therefore supports probable cause for a warrant to search the **SUBJECT PREMISES**, **SUBJECT VEHICLE 1 and 2**, and **BATTLE's and DANIEL's PERSON**, described in Attachments A-1 through A-3, and to seize the items described in Attachment B.

Respectfully submitted,



Luis O. Garcia  
Special Agent  
Homeland Security Investigations

Electronically submitted.  
and telephonically sworn to before me  
on March 12<sup>th</sup>, 2025.



The Honorable Barbara S. Evans  
United States Magistrate Judge